



## **GOVERNOR'S TASK FORCE ON HUMAN TRAFFICKING MINUTES**

**Wednesday, September 4<sup>th</sup>, 2013**

**9:30 AM**

**1700 W. Washington, Governor's 2<sup>nd</sup> Floor Conference Room  
Phoenix, Arizona 85007**

A public meeting of the Governor's Task Force on Human Trafficking was convened on September 4<sup>th</sup>, 2013 in the 2<sup>nd</sup> Floor Conference Room, 1700 West Washington, Phoenix, Arizona 85007. Notice having been duly given. Present and absent were the following members of the Task Force.

### **Members Present**

Cindy McCain (Co-Chairperson)  
Gil Orrantia (Co-Chairperson)  
Lea Benson  
Doug Coleman (by phone)  
Adam Driggs  
Doug Ducey  
Jim Gallagher

Robert Halliday  
Bill Montgomery  
Sheila Polk  
Bill Ridenour  
Brian Steele  
Grant Woods

### **Members Absent**

Larrie Fraley  
Andrew Pacheco

### **Staff Present**

Jamie Bennett, Governor's Office

#### **1. Call to Order**

Gil Orrantia welcomed everyone to the Governor's Task Force on Human Trafficking meeting. The meeting was called to order at 9:35 a.m. Mr. Orrantia thanked the Task Force members and members of the public for attending the meeting. Representative Doug Coleman participated over the phone.

#### **2. Approval of Minutes**

Cindy McCain brought one change forward to the August 14th meeting minutes. She suggested page 8, item 7, "Maynard Blue" be changed to "H. Maynard Blumer". Bill Montgomery moved that the meeting minutes from the August 14th meeting be approved. Robert Halliday seconded the motion. All present members voted aye.

### 3. **Presentation from the National Conference of Commissioners on Uniform State Laws**

Mr. Orrantia introduced Commissioner Steve Wilborn with the National Conference of Commissioners on Uniform State Laws (Commission). Mr. Wilborn thanked the Task Force for all the work the members are doing around human trafficking issues in Arizona. He also thanked the Task Force for the opportunity to share the work of the Commission.

Mr. Wilborn acknowledged that Arizona is already working to address human trafficking within the state. He described the universal need to acknowledge the issue and for people to start doing something about it. He explained that there has been a recent shift in how human trafficking is reacted to and indicated there is now more awareness around the issue. In fact, Mr. Wilborn said the national United Way was hosting a summit that day with their members worldwide to discuss human trafficking.

Mr. Wilborn provided the Task Force with a brief history and explanation of the Commission. He also gave a brief background and overview of the Uniform Act on Prevention of and Remedies for Human Trafficking (Uniform Law). The Uniform Law includes a three-pronged approach: penalize criminal activity, protect victims, and public awareness. Mr. Wilborn indicated the Commission is able to help the state create a side-by-side comparison of what is in the Uniform Law and is currently in state law.

Mr. Wilborn went on to share a quote: "There are those that make things happen. There are those that let things happen. And there are those who eventually wake up and ask what happened?" He again thanked the Task Force for being a part of those who make things happen.

Senator Adam Driggs asked Mr. Wilborn which areas have been most impactful in his state. Mr. Wilborn explained that no states have adopted the Uniform Law yet. The Uniform Law was just recently finalized in late July. He indicated, however, that it is important for Arizona to consider the need for any or all of the three prongs included in the Uniform Law.

Grant Woods thanked Mr. Wilborn for his presentation. He asked about section eight of the Uniform Law, which relates to business entity liability. Mr. Woods asked what types of businesses were discussed in creating that section. He also asked whether the Commission discussed whether any media may be facilitating trafficking. Mr. Wilborn explained that some states do not allow businesses to be charged with trafficking or related offenses. Accordingly, he said the intention was to make it clear, from a policy standpoint, that the Commission believes businesses should be subject to criminal penalties. Mr. Wilborn also explained the Uniform Law does not address the issue of media facilitating trafficking. He said that nothing in the Uniform Law should preclude the issue.

Sheila Polk asked whether any of the Arizona Commissioners were involved in the development of the Uniform Law. Mr. Wilborn said that none of the Commissioners from Arizona were on the drafting committee. However, he mentioned that two of the Arizona Commissioners were involved in the debate on the issue. Mr. Wilborn explained that part of the Commissioners' commitment to the Commission is that they will help support the adoption of the Uniform Law in their state through the legislative process.

Mrs. Polk also asked for clarification on whether there was a comparison of Arizona state law and the Uniform Law available. Mr. Wilborn indicated the Arizona Attorney General's Office has offered to work the Commission on the comparison. He also mentioned the Commission's main office in Chicago has already begun working on a line-by-line comparison of the Uniform Law and Arizona law. He said the information was being compiled, but should be available shortly.

Mrs. Polk pointed to section 20 of the Uniform Law, as it relates to the display of public awareness signs. She suggested that requiring signs at truck stops, public transit stations, and certain businesses was a good idea. Mrs. Polk asked Mr. Wilborn whether any states are requiring such posting and if he knew of any states that have seen measurable results. Mr. Wilborn said that the Commission is currently developing a comments document that will provide information on how many states already have similar provisions within their state laws. He indicated that a large number of states are already requiring posting of awareness signs. He explained that he could not confirm whether there was a direct connection between the requirement to post signs and measurable differences in trafficking indicators. However, he said there is a noticeable difference in communities where the requirement has been instituted.

Lea Benson asked Mr. Wilborn about how the Uniform Law addresses restitution for minors. Specifically, she asked who handles the dollars and who decides what the minor is going to get. Mr. Wilborn explained that the Commission did not attempt to develop a new set of laws to address restitution involving minors for trafficking cases. He said that the intent was not to create a new system, but for states to continue to use the processes, structures, and systems they already have in place.

Bill Ridenour inquired about the Uniform Law's immunity section as it relates to directing children into the child welfare system. Mr. Wilborn iterated the Commission's intent was to support the structures and processes in place within each state, including referring those minor victims to the appropriate child protection system. He explained that the Commission attempted to address some of the overriding issues.

Mrs. Polk asked whether the Commission considered the issue of whether the knowledge that a john has on whether the victim was a minor and whether that should be part of a criminal defense or whether it should matter. She understood the Uniform Law took the position that it is not a defense in a prosecution where a defendant believed the victim was an adult. So in a sense, the Uniform Law imposes a strict liability standard. She asked Mr. Wilborn to share the discussion the Commission had on the issue and why the Commission recommended the position they took. Mr. Wilborn said there was a lot of discussion on the issue. He explained that the Commission took the position that there are two options in prosecuting a perpetrator. One is a provision that requires proof that patron knew the victim was a minor. The other is strict liability. Mr. Wilborn said the Commission considered two different penalties: one, under which the perpetrator knew the age of the minor because they specifically asked for a girl of a certain age; or two, under a presumption.

Mr. Woods thanked Mr. Wilborn for his time and for the work of the Commission. Mr. Woods indicated the Uniform Law was very helpful. Mrs. McCain concurred.

#### 4. **Presentation from the ASU School of Criminology & Criminal Justice**

Mrs. McCain introduced Charles Katz, Director and Professor at the Arizona State University (ASU) School of Criminology and Criminal Justice. Mr. Katz gave an overview of prior examples of legislative analysis, including work by Shared Hope, the ASU Office of Sex Trafficking Intervention Research, and Polaris Project.

Mr. Katz described sex trafficking as an industry, citing street prostitution, strip clubs, massage parlors, escort services, online services, and residential brothels. He also shared how focused-based interventions are superior to broad-based interventions. Mr. Katz explained some of the work his office is engaged in that involves illicit massage activity in Mesa.

Mr. Katz shared several recommendations for the Task Force to consider. Specifically, he recommended the following:

- Establish a permanent task force on human trafficking;
- Post human trafficking hotline (including online);
- Conduct biennial survey of law enforcement and prosecutors (consider ASU or the Arizona Criminal Justice Commission);
- Mandate law enforcement agencies to collect and publish sex trafficking crime statistics;
- Require training that is industry based and profession specific;
- Establish notification procedures for landlords/property owners;
- Enable criminal and civil suits against landlords/property owners;
- Consider zoning issues;
- Broaden anti-racketeering law to include sex trafficking;
- Increase manager/owner accountability;
- Consider asset forfeiture;
- Regulate commercial speech through record keeping;
- Legislatively broaden investigative authority of public health officials; and,
- Ensure legislation is victim centric (including vacating convictions and victim assistance).

Mrs. Polk asked Mr. Katz what he thought about the argument that there is a defined pool of offenders in society and that if online sites crackdown on those activities the offenders will find alternative methods. The argument continues by suggesting that society is better off because most of those online mediums collaborate with law enforcement. Mr. Katz affirmed that the crime will continue to be committed. He suggested the question is not whether or not it is going to take place, but rather what the harms are that are associated with it. Additionally, how to minimize those harms and how to minimize the economic gain that those individuals have over those that are being victimized. He went on to suggest that by not allowing advertising on an online medium, trafficking operations are harmed. Additionally, he suggested that those sites are actually facilitating trafficking. Mr. Katz said it might be helpful if those sites helped fund non-governmental organizations that could monitor potential trafficking activity. He agreed that attempts to crack-down on online sites could simply displace the traffickers, but acknowledged that it would affect the income traffickers would have coming in, if at least for a little while.

Mrs. McCain asked Mr. Katz which countries the victim population he is studying comes from and whether they are legal immigrants. Mr. Katz explained that they have found that about 80% of the victims are from China or South Korea. They were unable to determine the victims' legal status, but they believe a significant portion of the victims have some form of a visa because they often have licenses.

Mrs. McCain also asked Mr. Katz whether he knew if the victims were being recruited under false pretenses, such as for a work visa. Mr. Katz responded with knowledge of the women often being circulated in through Los Angeles from Beijing. He explained that the women in Phoenix being trafficked through massage parlors are circulated from store to store and most often live out of the parlors. However, he indicated uncertainty in how much of the victimization is physical, mental, or financial.

Thereafter, Mrs. McCain asked about the reasons for circulating the victims. Mr. Katz explained that it is for a variety of reasons, including: avoiding law enforcement, shifts in management, and customer preferences.

Jim Gallagher asked Mr. Katz about the cultural influences on the victims, whether it is psychological or physical. Mr. Katz explained that a lot of the girls come from the Philippines and he described the economic hardships their families endure. He said a lot of the money ends up flowing back into Asia, whether it is through the trafficker or it is whatever portion of the income the victim is able to keep, which is often sent back to their family.

In reference to Mr. Katz's recommendations, Mr. Montgomery asked whether Mr. Katz had looked at current Arizona law to see if what the state currently has in statute could address some of his points. Mr. Katz explained that his understanding was that none of the recommendations duplicate what is already in state statute. Mr. Montgomery indicated that he disagreed. Mr. Katz suggested that there may be a general misunderstanding or lack of knowledge about what is currently in state statute. He said that it is part of the reason why mandated training is so important.

Mr. Montgomery suggested there are tools available; they just need to be put together in order to attack the problem in the way the Task Force has been discussing. He offered the example of a massage parlor that is used as a front for prostitution. Prostitution is illegal. It is illegal to run a house of prostitution and the businesses could potentially be charged as a criminal enterprise. He suggested a point of interest for the Task Force would be to consider the broader picture, particularly when everyone else is looking at discrete issues. Mr. Katz explained that part of the problem is that many of the laws are not industry specific. For example, there places in Arizona that local ordinances specifically restrict law enforcement from going into a massage parlor to check on what is going on inside. He suggested better training may be necessary, particularly for law enforcement and public health officials. Mr. Montgomery iterated that the tools are available; the problem comes down to how the problem is defined and how it is addressed from law enforcement, social services, and other relevant perspectives.

Mr. Orrantia asked Mr. Katz what priority law enforcement is generally giving the issue. Mr. Katz indicated it depends on who you are talking to. Generally, the higher up you go, the higher of a priority they will tell you it is. However, for officers and investigators it depends on their level of interest. Some areas have made the issue a priority while others have decided it is not a priority. Mr. Katz suggested a need to first focus on the low-hanging fruit for law enforcement.

Mr. Orrantia also asked Mr. Katz about what successful things he is seeing happen. Mr. Katz said healthcare treatment for trafficking victims is excellent, particularly in California. He also mentioned that the issue usually gets attention and there is focus on the issue.

Brian Steele thanked Mr. Katz for his work and acknowledged how helpful it has been to non-profit organizations like the Dream Center. Mr. Steele asked Mr. Katz how non-profits can be helpful and not inhibit law enforcement. Mr. Katz suggested that it is important for non-profits to be trained and aware of the issue. Non-profits can help identify legitimate businesses, work with those businesses, and help strengthen them on that front.

Mr. Woods asked Mr. Katz about his recommendation to require more information from advertisers. Specifically, Mr. Woods asked how he recommends requiring that information, whether it would be legislatively or not and what information would be required. Mr. Katz suggested that it would be helpful to work with law enforcement and prosecutors to find out what information they need and how to organize it to make the information more accessible to them.

Mr. Ridenour asked what the penalties are against businesses that are unlicensed. Mr. Katz suggested they would probably be shut down and evicted. Lt. Gallagher confirmed that they would be given a citation. He explained that the City of Phoenix only has two licensed escort service businesses, everything else is unlicensed. Those entities are looking to avoid law enforcement. They often choose to ignore the law and requirements for licensure.

## **5. Short Break**

Mr. Orrantia recessed the Task Force meeting for a break from 11:11 to 11:23 a.m.

## **6. Discussion**

Mr. Orrantia directed members to review the potential recommendations document in their packet. He explained that the document was compiled from the previous meeting minutes. Mr. Orrantia asked if the members had any additional recommendations, changes to the document, or items they would like to discuss. Mrs. McCain reminded members that there are only two meetings left to discuss recommendations to bring forward to the Governor.

Mr. Ridenour explained that he had gone through the potential recommendations document and outlined priorities and areas he believed needed to be addressed. When he reviewed the Uniform Law he realized the items he identified were already represented in the Uniform Law. However, Mr. Ridenour suggested there is also a need to work through the licensing issues, address any child welfare recommendations, and further identify any opportunities for public/private partnerships.

Mr. Montgomery suggested adding an affirmative defense in some of the legislative recommendations. He said that may be a good tool to address some of the concerns members had about being able to properly identify someone as a victim as opposed to someone who might be prosecuted. An affirmative defense would encourage someone to provide information and encourage the kind of communication between a defense attorney and a client that might help address some of these cases. He suggested that somehow these cases are not being triaged up front.

Mr. Montgomery suggested the use of the phrase “forced sexual servitude” in the use of public service announcements, as included in the Uniform Law, to help communicate the problem. Mr. Montgomery also affirmed the recommendation to partner with the hospitality industry for training, awareness, and to encourage reporting.

Mr. Montgomery suggested that referring to “strict liability” in prostitution cases involving children is not necessarily accurate. He explained that prosecutors still have to prove the underlying act of prostitution which requires a particular mental state and specific criminal circumstances to be present. The age of the victim is another circumstance, but in reality it is no different than when one looks at prosecutions for drinking while under the influence. Someone’s blood alcohol content level is an attendant circumstance, but a driver does not have to know they are above a .08 when they drive in order to prosecute them. Someone does not need to know the value of a vase that they stole before they can be charged with theft. Mr. Montgomery provided several other examples. He suggested that in criminal law, when one identifies an area where they want to impact criminal conduct, attendant circumstances can be used that the defendant does not have to be aware of in order to enhance punishment or to go after it with a law enforcement pursuit.

Mrs. Polk said she believes the Uniform Law is a great starting point. She indicated interest in the Task Force working directly with one or more of the five Arizona commissioners on the Uniform Law; to find out what they know, whether they have looked at Arizona’s laws, whether they have any recommendations for the Task Force on how the Arizona laws can be improved, and why they are recommending the Uniform Law. Mrs. Polk also expressed interest in a comparison of Arizona law to the Uniform Law. She suggested Arizona probably already has laws that cover most of the issues but they are dispersed, whereas the Uniform Law has it all in one place. She cautioned against passing additional laws that are multiples of existing statute. She suggested the law should be clear and simple so the message is clear to the offenders.

Mrs. Polk expressed support for the recommendation for a permanent task force on human trafficking. She suggested that a permanent task force should have defined road markers to help the state move toward the ultimate goal. Mrs. Polk recommended the Task Force consider requirements for more information from advertisers on online classified websites like Backpage.com.

Mr. Orrantia affirmed the issues encompass a large horizon. He suggested that some of the areas that require more attention might require working groups for additional consideration.

Mrs. Benson explained that current state law already addresses a lot of the issues that have been discussed. She suggested that there needs to be a better understanding of how to implement those tools. She said addressing the issue will take a lot of time. Mrs. Benson identified a need for the child welfare population to be studied as it relates to incidents of human trafficking and how they are treated.

Mrs. McCain iterated the urgency in preparing for the Super Bowl in 2015, as well as the ongoing need to address human trafficking in the state.

Lt. Gallagher referenced Mr. Katz's comments about broadening the scope of the issue. He explained that is easy to focus on just one aspect of a problem when in reality the population is a lot bigger than one might think. He suggested a portion of the recommendations could be synthesized to reduce redundancy, particularly when it comes to addressing demand.

Lt. Gallagher also indicated interest in looking at some of the work that Lea is doing. He suggested there is a need to find a structure that balances custody and care while keeping kids safe. Additionally, he explained that ASU and the Phoenix Police Department (PPD) made recommendations to Backpage.com about a year and a half ago. The recommendations included: requiring an advertiser to provide some form of identification when placing an ad, like a driver's license; they were asked to participate in a training development; and, they were asked to fund an outreach campaign (which he indicated was all denied).

Lt. Gallagher suggested that it might be possible to use existing state law in cases where there is an electronic device used to facilitate a crime, that law enforcement might be able to use computer codes to help identify perpetrators. Mrs. Polk confirmed that might be possible. However, she said one must consider the elements the prosecutor would have to prove.

Lt. Gallagher further explained his interactions with Backpage.com and stated they have been more responsive to subpoenas recently, which helps with investigations.

Mr. Orrantia asked Lt. Gallagher and Director Halliday if they could speak to the current training structures in place for trainers. Director Halliday likened the issue to the DUI campaign. He explained the need for prosecutors and law enforcement to be on the same page. He also suggested that the awareness campaign must include the community.

Lt. Gallagher explained that the PPD is working with the Arizona Peace Officer Standards and Training Board to develop basic training curriculum on human trafficking. He also affirmed Director Halliday's point that the stakeholders and professionals who interact with victims and on this issue should receive similar training.

Mrs. McCain asked whether there are opportunities for businesses, for example trucking firms, to obtain training for their employees. Lt. Gallagher said there was. He also explained that PPD is working on multidisciplinary policing, which involved other segments of the community to have eyes and ears out on the street. For example, in liquor enforcement with S.A.D.D. and M.A.D.D. where they help integrate training.



Director Halliday highlighted the Terrorism Liaison Officer Program through the Arizona Counter Terrorism Information Center. One of their primary objectives is to reach out to the hotel industry in the State of Arizona. He indicated there might be an opportunity to do something similar in engaging the hotel industry on trafficking issues.

Mr. Orrantia posed a question about what health industry training includes. Lt. Gallagher recalled a presentation from the Maricopa County Health Department in preparation for the last Super Bowl. He said their focus was environmental and health quality.

#### **7. Call to the Public**

Mrs. McCain introduced Angela Warren from ASU. Mrs. Warren provided the Task Force with a brief overview of an upcoming event – the Inter-faith Sex Trafficking Summit. She explained that the purpose of the Summit is to bring the faith-based community together to collaborate on addressing sex trafficking issues.

H. Maynard Blumer, representing himself, shared his passion for addressing minor sex trafficking. He asked members not to forget the children. He provided the Task Force with suggested language for a child protection law. He emphasized the word "fraternization" and suggested there is a need to keep any statutory changes simple. He expressed concern for only writing one piece of legislation in order to keep it from getting bogged down in the legislative process.

Carolyn Jones from StreetLightUSA shared how much being able to tell her story has helped her develop and heal. She expressed an interest in participating in the work of the Task Force or in other related efforts at a deeper level. She thanked the Task Force for their work and encouraged them to continue to work to address the issue.

#### **8. Closing Statements/Announce Next Meeting**

Mr. Orrantia thanked everyone for attending and participating.

#### **9. Adjournment**

Mr. Orrantia adjourned the meeting at 11:56 a.m.